

FRANCIS WAYLAND

COMMEMORATIVE ADDRESS

BY

PROFESSOR WILLIAM C. ROBINSON, LL.D.

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AN ADDRESS

COMMEMORATIVE OF THE LIFE AND CHARACTER

OF

FRANCIS WAYLAND

DELIVERED BEFORE THE LAW SCHOOL OF YALE UNIVERSITY
AT HENDRIE HALL, APRIL 22, 1904

BY

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IF I supposed that Francis Wayland had ceased to exist, and that all community of desire and purpose between him and ourselves were forever at an end, I should prefer to hide my memories and regrets in silence and let the dead past bury its dead. But believing, as I do, that he still lives, and in some sphere not necessarily remote from this, although invisible to us, he urges ever forward those high enterprises to which his energies were here devoted, I come with willing feet into your presence and his, not to bury Caesar but to praise him.

It is not often given to a man to be appreciated during his earthly life. Idiosyncrasies of disposition, faults of manner, too frequently obscure the noblest traits of character, and not until the grave has closed over the dead do we begin to realize how good and true and lovable they were. It was not so with our friend. Between him and the world in which he lived no artificial barrier reared itself. A nature singularly clear and self-consistent, he came at once into close contact with his fellowmen; and at the first glance of the eye, or touch of the right hand, the stranger vanished and the friend appeared. While he did not wear his heart upon his sleeve,—for no man spoke less of himself or more seldom consciously exposed to others the interior secrets of his soul,—our instincts swiftly penetrated to his intellectual and spiritual depths, and revealed to us without delay what manner of man he was.

Moreover, his life was spent abroad among mankind. He was no recluse, absorbed in solitary meditations; no dreaming student hemmed in with theories and books; the circle of his friendships overpassed the boundaries of his native country north and south and spanned the Atlantic and Pacific seas. Nothing human was aloof from him. Among divines, among statesmen, among jurists, among scholars, among philanthropists, among the leaders of society, among the old, among the young, extended his interests and his associations,—to all alike welcome, among all equally at home.

Of such a man what new thing can be spoken to an audience like this; an audience largely gathered from that University in which for an entire generation he played so prominent a part. We all knew our Dean; you who met him now and then in some one of his various occupations; you who perhaps never exchanged with him a dozen words and yet were often cheered in spirit by his kindly greeting; I who lived with him in daily intimacy for more than twenty years; he was the same man to all of us and you can read his character as well as I. Why come I then to speak of him to you unless it be to serve as the precursor to your chorus, to chant the antiphons to that sweet song of loving memories which in your hearts you sing—a song that is not a dirge nor a farewell.

Certain philosophers have taught us that soul is the informing principle of body; that coming forth from God, the infinite ocean of creative force, it enters into matter and there builds for itself a temporary habitation, to be the instrument of its terrestrial activi-

ties, the external symbol and expression of its own grandeur and dignity and power. When we reflect upon the qualities of soul, its tremendous energies, its vast resources, its wonderful achievements, we may well hesitate to recognize in the myriads of ungainly figures and ignoble faces which surround us the handiwork of so divine an architect, even though we remember that the plastic material in which it works has been corrupted and degraded by a hundred centuries of disease and sin. But here and there appears a man in whom the outward form and the indwelling spirit correspond so well that through the living body we perceive the radiance of the life-giving soul, and read in the effect the beauty and the virtue of its cause.

He, of whom I speak, was such a man. Of goodly stature, of pleasing countenance, of graceful carriage, his eye beaming with intelligence and kindness, a smile which won its way to every heart,—the impression which he made upon the æsthetic sense of the observer was not easily forgotten. It is no odious comparison to say that in this city, somewhat remarkable for its attractive men, he will be long remembered as among the first, if not the first of all. How many of us can recall that once familiar scene when, sauntering near his home, we saw him riding toward us on his favorite steed beneath the arching elms of Whitney Avenue—a picture worthy of the pencil of the artist in whose fame this institution shares.

The manner also was suited to the man. Dignified and self-contained, but never haughty or repellant; courteous alike to stranger and to friend; approachable by all upon whatever errand; considerate of the views of others even when most antago-

nistic to his own; of quick perceptions; of brilliant wit; of fascinating conversation; of constant acts of kindness in all the realms of his acquaintance; and yet withal of set and determined purpose and indefatigable toil in reference to the projects which occupied the substance of his daily life,—such was the charming personality whose withdrawal from our visible companionship has left a vacancy among us which we can never hope to fill.

For whom nature did so much, environment did more. He was born in Boston in 1826; and in those days to be born in Boston was to be the heir of intellectual aspirations, if not of absolute intellectual power. The year after his birth his father became the president of Brown University, and occupied that honorable and responsible position until his son was nearly thirty years of age. I can conceive no better fortune to befall a high-minded and receptive youth than to be the son of the president of one of our New England colleges. No prince of the blood-royal enjoys greater advantages than he. Placed at the center of inspiring and ennobling influences, surrounded by illustrious examples of learning and virtue, an object of friendly solicitude to a group of men professionally devoted to the development of the choicest members of the coming generation, guarded and guided in his home by that parental wisdom which the sons of other men have come from far to share, encouraged and invigorated by the approval of the social circles with which the college is identified, he lives and thrives in a congenial atmosphere, with every stimulus to excellence in knowledge, with every inducement to uprightness of life.

Particularly was this true of the second quarter of the nineteenth century, the period when our friend was young. The college world was then limited in numbers. The members of the faculty were few, their positions permanent, their journeyings rare; and thus dependent upon one another for companionship they lived together in an intimacy which in the multitude of their successors has become impossible. Their personal education and professional pursuits tended to cement them into a firmer union. Ordinarily, they were all of the same religious faith. Their youthful studies had led them along the same paths. Their work of instruction closely interlaced. Each was familiar with the subjects to which the labors of the others were devoted, able to give counsel, interested in results; and on this common field of knowledge and endeavor they dwelt and toiled like a household of fraternal scholars, not like the present casual aggregation of departmental heads, whose special sciences are unknown ground and often objects of repugnance to their neighbors.

Sitting among these doctors, hearing them and asking them questions, meeting them in the unrestrained intercourse of the paternal fireside, ever a welcome guest at their own hearths and boards, one can imagine how this youth grew up impregnated with clear and vigorous thought, widely acquainted with the learning of his day, proud of the successes which added to the fame of his own college, and looking forward with ambition and desire to the day when he should take his place among its members. The memory loves to linger over the childhood of this engaging boy; so wide awake his intellect, so full of merriment and humor, so pleasing in his manners,—

the prophesy of what in later life we found him who knew him in the ripe maturity of all his powers. So can many of us remember others whose early environment was similar to his, of whom some still live to fulfill the promise of their youth and are conferring on the present generation the gifts which they received from their own fathers, while others have exhausted their material habiliment and made themselves a passage to the stars.

About the ending of his sixteenth year our friend entered Brown University as a member of the class of 1846. In this event again he was the favorite of fortune. The period of his college life marks the epoch which separates the ancient world of American thought and letters from the new. Up to this time American scholarship and literature had plodded on contentedly in the well worn paths of former generations. Orthodox theology occupied its pulpits. The classics, mathematics, logic, rhetoric and ethics were the integral elements of its collegiate curriculum. It looked to Europe for its poetry and fiction. But the sun of a new day had just begun to rise. Longfellow had uttered his mysterious and soothing Voices of the Night. Emerson was appealing from the tribunal of exterior authority upon matters of religious faith to the interior consciousness of man, and to the law of nature written in his being. Alcott the ideal, and Thoreau the practical, economist were demonstrating by suggestion and experiment the possibility of escape from servile labor through plain living, in order that high thinking might engross the life of man. Giles and Whipple were laying the foundation for a school of critics both of books and men. Haw-

thorne had recited to the public his Twice Told Tales, and in the solitudes of Concord battle ground was then gathering his Mosses from an Old Manse. Bancroft had just completed the first decade of his forty years of labor on the Colonial History of the United States.

The sluggish current of collegiate education also felt the stir of this unwonted impulse. The work of Olmsted and the elder Silliman at Yale, of Hitchcock at Amherst, and of other pioneers in natural science, disclosed to the public in their text-books just as the wonderful awakening of inventive genius in this country had created a demand for scientific knowledge, opened the eyes of leading educators to the fact that the time-honored *quadrivium* of the Universities would not suffice to meet the needs of students in the coming years of practical America, and that a wider field of knowledge than any hitherto surveyed must be mapped out and cultivated by the teachers of the young.

Fortunately, the captains of the college fleet were men of courage and sagacity. During this critical period Quincy, Everett, and Sparks presided over the destinies of Harvard, Day and Woolsey over those of Yale, Humphrey and Hitchcock over Amherst, Mark Hopkins over Williams, Lord over Dartmouth, and Wayland over Brown; and it was due to the far-reaching wisdom and heroic fortitude of those men that the old barriers were so far removed as to let in these new branches of learning on the same plane of scholastic merit as their venerable predecessors. Prominent in this movement was the energetic and already famous father of our lamented friend. In the same year that his son entered college he pub-

lished his "Thoughts on the Collegiate System of the United States," casting the weight of his great influence in favor of a wide curriculum, and the right of students, within proper limitations, to elect their courses,—a book that in a high degree contributed to the establishment of our modern systems of collegiate education.

Into an academic atmosphere glowing with these awakening impulses our friend was plunged just at the age when sympathies are most acute and interest in intellectual efforts most absorbing. The college student of the present may well fail to appreciate the magnitude of these questions to the student of sixty years ago. There were then no college athletics to divide his attention, few books to read, and frequently no social life outside that of the professors and their families. His only recreations were a country walk, a fierce dispute in the debating club, a class gathering in the recitation room, and the confidential outpouring of his soul upon the pages of his diary or in some tender epistle to his dearest friend. Under those circumstances college life was vastly more to the collegian than it can be to-day; and into every question that pertained to college doctrine or to college discipline, present or prospective, the energetic student entered with all the enthusiasm of his youth, and all the courage of his transitory convictions.

It was inevitable that the eldest son of President Wayland should have received from such surroundings the most profound and permanent impressions. His father was already a distinguished writer and an eminent authority on social questions, particularly on ethics, economics, politics, education, and humanitarian reform. His views were not opinions, but con-

clusions wrought out for himself by years of observation and reflection, and held with a tenacity born of his certainty of their correctness. His pen and tongue were ever busy with their promulgation; and in that class-room which he made famous by the thoroughness of his teaching and the close research he exacted from his students, it was his constant effort to indoctrinate the young with these important truths, and to arouse in them the impulses which should make those truths the practical rulers of their future lives. President Wayland was by nature and vocation a maker of men. Equally with, if not more than, any teacher of whom we ever read, did he devote himself to the personal development of the individual student, every one of whom was to him like a block of marble out of which he was to carve a statue of immortal beauty; and over him he labored with a loving energy that never wearied until he saw, with bitter disappointment, that the task was hopeless. His scholars realized his fatherly solicitude, and many of them appreciated and responded to his efforts. Said one of them: "Six words he spoke to me on one occasion were worth more to me than all the other words I ever heard." Everywhere in clerical and professional circles his graduates were recognized by the high cultivation of their reasoning faculties, their powers of close analysis, and their wide acquaintance with the new and living questions of the day.

Francis Wayland was not only the son but the pupil of this accomplished and indefatigable sculptor of human intellects and characters, and we can well imagine how the influence of the father and the teacher worked together over the upbuilding of the

pupil and the son. The vigilance that never slumbered as to other students could have known no remission as to him. "You know," he wrote to him a few years later, "You know all I have so imperfectly tried to teach you. You know that I have, first of all, desired that you should serve God, and be a high-minded, noble, disinterested benefactor towards man. God grant you may be all this and more."

And, on his side, the son justified all this parental interest and professorial zeal. He was old enough to be his father's confidant, to sympathize with his endeavors, to be proud of his accomplishments, to profit by his personal intercourse and correspondence with other great thinkers and writers on these congenial themes. And he was loyal to the core. There was in him no taint of that strange perverseness which sometimes leads a child to hate whatever the father loves, to repudiate whatever he believes, and by a species of evil instinct, rather perhaps than a premeditated design, to demolish all the fabrics which the father's patient hand had reared. So far was he from this that of him it may be said, with almost absolute precision, that "he walked in the way of Francis his father until God took him." Having this disposition, and placed as he was in a sort of middle ground between the parental teacher upon one side and his fellow students on the other, sharing the honors of the teacher, participating in the intellectual appetites and criticisms of the students, he naturally became the champion and exponent of his father's doctrines; meeting and solving questions never broached within the class-room; and learning to endure with patience the merciless attacks which no one would have dared to make in the presence of

the official instructor. That he was equal to all these occasions who of us, looking back to that period over the stretch of sixty years, can for a moment doubt?

Such was the scholastic training of our friend during his college life. Out of it he brought far more than mere proficiency in the collegiate studies of the day. He came forth from his Alma Mater a cultivated man of letters; not a specialist perhaps in any science, but with a broad foundation of principles available for practical application, with a wise philanthropic spirit, with definite conceptions as to social needs and the methods by which they could be supplied, and with powers of elucidation and expression which enabled him to communicate to others his intentions and ideas. And beyond all this, the many-sided discipline of those collegiate years aided to develop in him that persistency of purpose which never abandoned an enterprise he had once espoused; that fertility of resource which never found him without some mode of meeting an emergency; that confidence in himself and in his own conclusions which never suffered him to be abashed in any human presence nor to doubt the final success of any cause to which he had given his adhesion; and that urbanity of manner which always won a victory over the heart of his antagonist even where his arguments had been of no avail. Many of us have sometimes wondered, during the years of our association with him in educational and social undertakings, at his ready comprehension of the problems they involved and the spontaneous devices by which he encountered and resolved them. He never seemed to us to give much time to the investigation of these questions nor to reply to them as if delivering his mind of weighty burdens; but rather

with an easy, almost careless, air to listen and with as little thought, apparently, decide. And we have asked ourselves how it had come to pass that this man, so busy but yet with such abundant leisure, could meet and overcome the difficulties which to us seemed insurmountable without protracted labor and many vain experiments. But here we find our answer. The spirit of the father had descended on the son, not by operation of law but by operation of work. President Wayland had once said: The motto of my life is this "I go for the human race;" and from the earliest childhood of his son he had trained him to "go for the human race," and thus when the hour came the son was ready for the journey.

What has been hitherto narrated concerning the environment of our friend during his school and college life explains to us the source of many of his powers, but leaves one, and that to some his most prominent, characteristic wholly unaccounted for. These early studies, this rigorous discipline, this constant contact with great social problems may well have produced a serious, thoughtful scholar, saddened perhaps by contemplation of the evils which everywhere abound and nerved to high endeavor in the effort to relieve them. But whence came that delight in life, that sunny stream of merriment and fun which ran through his accumulating years, and made him, even to his latest days, such charming company. I speak not here of levity of thought and feeling,—that Continental poison which since our civil war has drifted westward with the other fashions, and now pervades so large a portion of American ideas; that levity which trifles with eternal

verities and turns events the most solemn and terrific into hideous jokes. There was naught of this in him. His was that innocent and rapturous joy of childhood which must have reigned in Paradise before the fall, the gift of all rich and harmonious natures, destined we trust to glow with everlasting radiance in the new Paradise which awaits the just, developed and preserved in him by fortunate circumstances to a degree which few men in this present life attain. To seek these circumstances we must glance at yet another aspect of his college life.

During that period Brown University was one of the smallest of New England colleges. Its classes averaged less than thirty members, and the number in attendance at one time, in all the classes, was not far from one hundred and twenty. These young men were united by identity of occupation and substantial uniformity of purpose. They had made the same preparatory courses, passed the same entrance examinations, expected the same baccalaureate degree. Their aims in life were similar, and with scarcely an exception contemplated a literary and professional career. Of the seven classes of students during his four years, three preceding and three following his own, all but thirty-eight were looking forward to and preparing for the work of the teacher, the physician, the lawyer or the clergyman; many of them destined to become men of renown; one of whom this University still holds in honor as her Emeritus Professor of Ecclesiastical History. In such a gathering of young men, never so large but that each one of them might have been his personal acquaintance, yet from his unique position able to choose his own companions from among the best, our friend found play for all his

social powers, and opportunity to cultivate his wit and humor by contact with some of the brightest minds this continent has yet produced. Among his classmates were Thomas Durfee, late Chief Justice of Rhode Island; Franklin J. Dickman, the Chief Justice of Ohio; and one who in this special quality of which we speak must be regarded as his solitary peer—Samuel S. Cox of Ohio and New York, the wit of Congress, the only scholar wise enough to tell us "Why we Laugh." Fancy a class-meeting at which Sunset Cox and Francis Wayland crossed their swords! How the very echoes of the heavens must have thrilled with music, and even the stars paused in their courses to listen to the clash of intellectual steel!

I know there are hearts waiting in this audience to hear me strike another chord before I close this portion of my subject. To sketch a youth's environment, to say so much about his father and his college and his comrades, and not a word about his mother, who in the ordinary providence of God should have been the fountain and the spring of all his excellence and virtues? Alas! that chord is silent. His mother died when he was less than eight years old. She was a devout and holy woman, of rare delicacy and refinement, absorbed during her brief maternal life in the care and training of her two little sons. To her how much is due, of what they afterward became, they know who have already joined her in the better land.

This sad event, however, was not without its benediction. It threw the children on their father for nurture and companionship, and the fidelity with which he strove during the next four years to dis-

charge to them the duties of both parents cemented between him and them that close and confidential intimacy which terminated only with his life. And when again he gave a matron to his home, his choice fell upon one who was alike worthy of her high position and equal to her great responsibilities; and who, so far as any woman could, supplied to these two sons a mother's place. The tribute of gratitude and homage which they paid to her, in their memorial of their father, is her sufficient commendation.

The study of a human personality, at least in these days of advancing science, would be incomplete if no account were taken of heredity. In what sphere this mysterious influence works, and how and why the characteristics of ancestors more or less remote are reproduced in their descendants, it is not necessary for us to understand,—the fact is there. And in this case it delights us to discover how much of his own nature the father had transmitted to the son. Comparing the two faces, how clearly the predominating features and expression of the one are presented in the other. In disposition both exhibited the same strong, genial interest in friend and neighbor. In manner, mode of thought, particularly in those instincts which lie nearest to the center of our individual lives and spring spontaneously to the surface in acts or words at the summons of some unforeseen predicament, the resemblance was remarkable. The description given in the Memoirs of President Wayland of his encounters with his students, and the methods in which he parried and returned the thrusts of juvenile impudence or vanity could be repeated a hundred times, with perfect accuracy, of the experi-

ences of his son. So also was there in him the same group of mental powers and moral energies which made his father a perfect exemplar of that race of mighty men, who for two hundred years had moulded the thought and conscience of the people of this country, and laid the foundation of all that is best and noblest in American character,—the New England clergy.

It may beget a momentary smile to think of Francis Wayland as a clergyman, whom so well we knew in other and such different avocations. But the smile passes with reflection. In his youth there were but three fields of labor open to the enterprising scholar,—theology, medicine and law. It is quite impossible for us to fancy him as a doctor, going his daily round of duties within the narrow bounds which enclose the life of every family physician; and almost as difficult to conceive him as voluntarily immersed in rough and tumble conflicts with his brethren of the bar. On the other hand, those of us who can remember the race of which I speak, of whom, indeed, in spite of all the upheavals and disorders of the past two generations, some relics fortunately remain, can easily discern that this, our friend, in the temper of his mind, the tone of his feeling, the breadth of his charity, the refinement of his manner was also one of them. And some who knew him best in later life have been led to believe that but for a certain self-distrust which made him hesitate to venture where angels scarcely dare to tread, he would have followed the example of his father and his grandfather, and have become like them a pastor and evangelist. But he was reserved for other duties, not perhaps of equal dignity, but certainly most beneficial to the age in which he lived.

With such endowment, amid such environment, under such an impulse of heredity—so came he to his twentieth birthday and his baccalaureate degree. I have dwelt long and willingly over these earlier years. As one who rejoices in the gleam and melody of a fair river sweeping by his cottage door,—his cheer by day, his company by night—delights to trace it to its source among the hills and loiter by it as it bounds and rebounds down its rocky bed until it spreads out grandly on the bosom of the plain, so well may we, around whose lives has flowed the welcome stream of this serene and joyous friendship, desire to tarry among those attractive scenes where his boyhood developed into youth, and youth at last assumed the privileges and responsibilities of a man.

In the history of the ordinary college graduate the beginning of his life work is contemporaneous with the end of his collegiate career, and from the lecture halls of Alma Mater he goes at once into the business or profession which is to occupy his future years. To this rule also our friend was an exception. Of him five lustra more of preparation were required before the great work he was born to do should be committed to his hands. His fitness for that work, though far advanced, was not yet perfect. To the discipline of private training in the school and home he was now to add the higher education of professional and public life, in which he was to acquire that knowledge and experience of men without which the objects he accomplished would have been impossible.

At this period of his life, although the longest in duration, a few glances must suffice. Its earlier portion was occupied in the study of the theory and prac-

tice of the law, in part at Harvard Law School, in part in the office of a legal friend in Springfield. Whether at this time he entertained a definite purpose to devote his energies permanently to this profession, or whether sharing in his father's convictions that the study of jurisprudence was not only the noblest of all human pursuits but also the best of preparations for a broad and useful career, he regarded it rather as another stage in the cultivation of his intellectual powers, cannot now be determined. At all events he finished the required courses and was admitted to the bar, and began the practice of the law at Worcester in 1850. During the next ten years a change in his domestic relations led to his removal to New Haven and his identification with the State and city with which his memory will now forever be connected. He soon became prominent in political and social life, and in the trying times of the Republic from 1861 to 1865 participated in the various operations by which the State maintained its military forces in the field. In 1864 and 1865 he served two terms as Judge of Probate of this district, and in 1869 was chosen the Lieutenant Governor of the State with Marshall Jewell as its chief executive. As a result of these employments his acquaintance soon extended throughout the entire community. He was personally known to thousands of its best and most influential citizens, and favorably known by reputation to tens of thousands more. The name of "Governor Wayland" was a sure password to a cordial welcome alike in town and country, and had he chosen to go forward in the path of statesmanship, such was the vantage ground he had already reached, that no political preferment was too great for him to attain.

Meanwhile he had spent much time in foreign travel and in literary labors. In England he renewed the friendships of his father with many of the notable personages of his day; and on the Continent and especially in the Eternal City he made real by his own observations the classical traditions of his youth. His pen was busy with discussions of popular questions for the magazines and journals, and in collaboration with his brother on the Memoirs of his father,—a book of two closely printed volumes whose graphic sketches of events and characters, and whose wise selections from the manuscripts and correspondence of its subject, render it one of the most satisfying and helpful of American biographies. Busy years indeed these five and twenty were to him—this gentleman of so much apparent leisure, of whom so many of us once supposed that time must often hang heavy on his hands, unmindful that punctuality and system make all labors short and easy, and open a sure pathway to success.

And now as we stand with him at the threshold of that great work which gave the consummation to his life and the enduring prefix to his name,—in the year 1872, and of his age the 46th,—let us recall for a moment the memories of him which our meditations have awakened, that we may realize the better how well equipped he was to undertake that work and bring it to complete accomplishment. That gracious presence, that brilliant and highly cultivated mind, that friendly manner, that ready wit and fascinating conversation, that wide experience of affairs, that sublime gift of persuading men, that consciousness of his own powers, all these were necessary to him in his

work, for the field in which he was to labor was a barren field, and but for his rare endowments might have remained fruitless to this hour.

In the tongue of the old Saxon race from which he sprang, the name "Wayland" signifies "the builder"; the cunning artisan who out of raw materials, drawn from earth and air and sea, constructs the fabrics whose strong expanse gives shelter to the nations, or whose æsthetic beauty gratifies the eye and elevates the heart. In him, as in his father before him, the prophetic meaning of this name was now about to be fulfilled, and what the one had in a previous generation done for the University of which he was the head, the other in a far larger measure was to do for the institution with which he became identified—the Law Department of Yale College.

The Law Department of Yale College derives its remote origin from the famous law school established by Judge Tapping Reeve at Litchfield in 1784, and conducted by him, with the later assistance of Judge Gould, until old age compelled him to relinquish it in 1820. The school was then transferred to or rather reproduced in New Haven with a nominal connection with Yale College, although no degrees were given by the College to its students for more than twenty years. From the date of its removal to New Haven till the year 1869, which marks the crucial point in its history, this school had more than nine hundred students, among whom were many of the most eminent lawyers who have ever graced the bench and bar of the United States.

From 1847 to 1869, a period of two and twenty years, the school was under the direction of Governor

Dutton, with whom in 1855 became associated Judge Thomas B. Osborne; and until the civil war it maintained not only its ancient prestige, but the number of its students. In the distractions of that evil time, and with the declining health and growing age of its instructors, its fortunes waned; and when these venerable men at last rested from their labors, it was left without professors and with only three students. Without funds, without teachers, and almost without pupils it seemed as if its hour indeed had come, and the rumor went abroad that as a department of the College it was about to be abandoned. Its rescue and resuscitation were due to the joint efforts of President Woolsey and the members of the New Haven County Bar.

A short time before his death Governor Dutton, apparently foreseeing conditions in legal education which have since been realized, had sought a closer alliance between the law school and the examining committee of the bar, and had obtained privileges for his students in which no others shared. This naturally led the bar committee to take a special interest in the school, and when the rumor of its discontinuance reached their ears some of their number waited upon President Woolsey, deploring the impending catastrophe and offering to carry forward the work of instruction at their own risk, on behalf of the College and the bar. After some negotiations the offer was accepted, and the fate of the school was entrusted to three members of the local bar,—Mr. Simeon E. Baldwin, Mr. Johnson T. Platt, and the present speaker. We entered on our duties in the fall of 1869.

To any but three sanguine youths, with an ardent

love for their profession, the prospect would have been discouraging. There was no money, not even to pay for necessary advertising. The assets of the school consisted of a small library of valuable but antiquated books, a dozen dilapidated chairs, an old desk, and a capacious stove whose genial warmth in winter consoled the heels which rested on its girdle. Its lecture hall was a desolate chamber over a saloon where, as a relief in too absorbing studies, the three receptive senses were regaled with glimpses of the guests at the Tontine, with the howls of captive maniacs in the police jail, and with the smell of odorous cooking from the vaults below. This was small capital for so great an enterprise. But with three students already on the ground, with the great reputation which the school had gained during its fourscore years, and with the magic name of Yale to conjure by, we could not despair. With what means we could command, the school was advertised. The curriculum was remodelled and enlarged. The number of daily exercises was doubled. Eminent lecturers were employed to give instruction upon special subjects. Students were held up to a rigid fulfillment of their scholastic duties. And when we counted up results in 1872 we found that we had gathered more than fifty scholars, of whom twenty-five had been completely trained and graduated and admitted to the bar. We were astonished at our own success; and we saw then what others since have seen, that if you plant but a dry chip from one of Eli's ancient elms, and water it and nurse it well, it will grow up into a vigorous and fruitful tree. I trust some day to see another noble scion of the self-same stock, the result of my own labors for the past ten years.

The experience of these three years, however, had taught us also another lesson, and we realized that the Yale Law School could never take its proper place nor adequately perform its duty to the College and the bar, until it had a leader who could multiply its resources, extend its fame, and be an acceptable medium of communication between it and the outside world. We knew that none of us were fitted for that office. We were all busy men, deeply immersed in practice, tied down to engagements which left us scarcely free to prosecute the work of instruction in the school, limited in the range of our acquaintance, and lacking in those exquisite gifts of art and nature which enable one man to mould others according to his will. It was evident to us that somewhere we must find another member for our faculty to whom these delicate and important affairs could be committed, and far and wide we searched among the members of the bar of this and other States for one who should combine the qualities necessary for such duties with the willingness to devote himself to their performance; and searched in vain.

Just at this juncture Francis Wayland returned from a vacation spent abroad. The unerring instinct of our brother Baldwin, who had known him long, discerned immediately that here was our man. At this suggestion he was invited to fill the vacant place, and though we had no salary to offer him, his love of work and high professional patriotism impelled him to accept; and he became "Dean Wayland,"—so to be known forevermore while Yale shall stand, and law be taught within these classic halls.

At once he put his shoulder to the wheel, and the old lumbering vehicle began to move. He found us

in the same old room, with the same old books, with the same old furniture except for the new chairs donated for the use of the increasing students. In a few months, by his endeavors, with the coöperation of the county bar, we were installed in five elegant apartments in the new county court-house completely fitted for our work, with twenty thousand dollars worth of new books on our shelves, and the English fund whose income enabled us to keep up with the current of important publications. Through his influence and that of President Woolsey, who remained the stanch friend of the school till the last moment of his life, it was placed upon a higher academical plane, and brought into closer union with the other factors of the growing University. Identifying it with his own personality by the constant use of his official name, he spread its reputation wherever his own had penetrated, until in the estimation of the public, as one of your own journals has so well remarked, "Dean Wayland was the law school and the law school was Dean Wayland."

Thus commenced that period of thirty years of unexampled prosperity for the Yale Law School which is just now completed. During all this period his labors upon its behalf were rarely interrupted. Blessed with almost uniform good health, refreshed by an occasional journey into foreign lands, he toiled on winter and summer, term-time and vacation, with pen and tongue advocating and promoting on every side its interests and progress. By his efforts, direct and indirect, endowments were obtained for its professorships, lectureships and scholarships were established, prizes were founded for conspicuous merit, new members were added to its faculty, students were

attracted from all parts of the world; and to effect these ends lawyer and layman were alike laid under contribution, with the felicitous result that every man who gave a dollar, or aided with a lecture, became from that time forward to the school a patron and a friend.

Great as were the powers with which he was endowed by nature and environment, this task which he had undertaken employed them all. No less intelligent a builder, no less charming a companion, no less persistent an advocate could have accomplished what he thus performed in the first twenty years after he assumed the headship of the school. And then in his old age, at a time of life when ordinary men are retiring from their active duties, the school having outgrown its quarters in the court-house, with the determination to leave it perfectly equipped for its work in future generations, he gathered up his crowning energies and with ten more years of arduous labor built this building,—the culmination of his efforts, a monument to him and to its donors for ages yet to come. The college treasurer and the architect can tell you what this building cost in money; but what it cost to him in care and thought and correspondence, in travel far and near, in disappointed hopes and new resolves, appears in no account book and never will be reckoned. You call it Hendrie Hall, and fitly so, from its chief benefactor; but the name of Wayland is written in invisible characters on every brick, and lurks in all the silent echoes of its lordly rooms.

The gallant steamer rides across the dancing waves, moving with marvelous rapidity, holding her course

true to the compass-point, her pennant flying in the breeze, her captain standing on the bridge in blue and gold. As the observer gazes and admires, he thinks little of the stokers in the engine room, the men before the mast, the pilot at the wheel, the stewards in the cabin, or even of the sleepless hours when the same captain, shrouded in tarpaulins, guides the ship through fog or snow or tempest to her waiting goal. So some of you who have watched the intellectual and material progress of this institution, and the public life of its great leader, may have forgotten that the private duties which devolve on its official head are numerous and responsible. He is at once the instructor and custodian of the students, the organ of communication between the school and the University at large, the president and the executive of his own faculty. Of what Dean Wayland was in each of these capacities it becomes me now to say a few brief words.

His work of instruction was necessarily limited by the absorption of his time in other occupations. For years he taught the subject of Evidence, and lectured upon English Constitutional Law. Later he was compelled to relinquish the formal teaching of the law, but kept his lecture courses till the close of his connection with the school. His old pupils will remember how pleasant was his recitation hour, when one of the most dreary topics in the law was enlivened by his sparkling anecdote or illustration, and the backward scholar rescued from humiliation by his kind forbearance and suggestive word. But it was as the custodian of the students that his principal work for them was done. Soon after he united with the school, by the unanimous vote of its faculty, he was

clothed with complete authority over all matters relating to its discipline, including the admission of pupils, the payment of their fees, their attendance at recitations, and their general conduct both within and outside the school. Thenceforth they knew the other members of the faculty only as their teachers, but him as their father, counsellor, and friend. How many students he drew to the school by his kindly letters, always in his own handwriting,—an attention which turned many hitherward to whom the words of the typewriter or the amanuensis had appealed in vain! How many whom poverty would have compelled to forego or abandon their professional studies were aided by his personal generosity, or by benefactors whose assistance he invoked on their behalf! How many idle scholars were stimulated into diligence by his paternal admonitions! How many indiscreet adventures were nipped in the bud which might have grown into great scandals had no restraints been placed on youthful ignorance and folly! For thirty years the honor and the welfare of the school were in his hands, and who can point a finger at a single stain which rests upon its fair escutcheon, or carries into any student's home a shadow of disgrace?

The duties of the official head of a department in relation to the University at large, though not burdensome in quantity, are often of a character requiring the utmost delicacy and tact in their performance. The settlement of questions arising between different departments, and particularly between his own department and the governing body of the University, often taxes his ingenuity and patience to the last degree. These are matters which in their detail no one but a college officer would understand. Suffice it here to

say that under the management of our Dean no friction ever existed between the law school and the other portions of the University, and no request we made through him to the President and Fellows was ever finally denied.

Of the relations between Francis Wayland and the members of his own faculty it is impossible for me to utter what I feel; and even were it possible I should entirely fail to convey to you an adequate conception of an intercourse which realized the highest ideals of human friendship. During the first ten years of our common labors the constitution of that faculty was singularly fortunate. To the success of every public educational institution three forces must coöperate: (1) the force which compels the attention of the public and wrests from it support and patronage; (2) the force which controls the academic progress of the institution and directs its development along the lines which enable it to satisfy the public need; (3) the force which turns the wheel and grinds the grist, and day by day feeds and forms and polishes the individual student. In this law faculty of four professors all these three forces were fitly represented. Of him who won the sympathy of the public, and made it tributary to the material advancement of the school, I have already spoken. He who controlled its academic progress, and directed its development, was Professor Baldwin,—the man who has done more to elevate the general standard of legal education than any other person in this country, and who was the projector and progenitor of the entire system of graduate law instruction in the United States. The other two were the wheel-horses upon whom the greater portion of the work of teaching fell. With

what affection do the students of that period recall the gentle and considerate master who led them through the mazes of Pleadings, Equity, Torts and Jurisprudence—Professor Platt—the helpful friend and willing comrade of all his pupils, whose early death in 1890 created the first gap in our ranks. The perfect harmony which prevailed among the members of this faculty was one of the main secrets of its educational success. Law is the mother of peace, and lawyers generally, until hired to fight, dwell in amity and friendship with each other; and in this law faculty, thus naturally united in sentiment and conviction, whatever differences of opinion might arise in reference to matters of detail in the administration of the school were so tempered by the sagacity and good humor of its Dean that never, in all those years, was heard a note of discord or an unkind word.

The spirit of mutual regard and confidence engendered during this early period continued as the faculty enlarged its membership, and men of various ages and attainments were added to its numbers. It is no easy task for the presiding officer of such a mixed assemblage to bear with even hand the scales of justice between the audacity with which new members assert their opinions, and the tenacity with which the old ones cling to power. But, with unfailing deference to the young and undiminished respect for the old, our Dean so guided all discussions, smoothing away asperities, quick to perceive impending difficulties and avoid them, that when he left the throne, after a reign of more than thirty years, the peace of the golden age remained unbroken. May the mantle of Elijah fall upon Elisha, that over this new generation of instructors he may rule with the same wisdom and forbearance.

The life-work of Francis Wayland might well have been considered as complete if it had been confined to the labors which have already been described. But far beyond these scenes his philanthropic and humanitarian efforts spread, devoted to the uplifting and advancement not of one class alone but of the whole human race. He was the leader of great thinkers along the principles and theories that underlie the social movements of the age; at the same time he was the active manager of practical charities that take the prisoner and the pauper by the hand and strive to reproduce in them the manhood they have lost. As he rode to and fro among our lanes and woods, admired by many, envied perhaps by some, his mind was busy with the misfortunes of his fellow-men and plans for their alleviation; and in and out of all his social intercourse ran that golden thread of helpfulness which made him a benefactor to mankind.

So grew the years upon him and brought him to that time of life when other men are old. But what had he in common with old age? Save for the untoward accident that limited his freedom, he journeyed toward his eightieth birthday with no sign of decrepitude, no relaxation of his grasp upon the world around him, no cloud to cast its gloom on his interior joy. Until his summons came he lived this life for all this life is worth of toil and recompense, and then passed onward without that weary journey through the valley of the shadow which is the common lot of humankind.

Yet was he not deprived of the prerogatives and pleasures of old age. Cicero enumerated these as (1) Authority and influence over the minds of others;

(2) leisure for reading and reflection; (3) the affectionate companionship of younger men; and (4) the consciousness of a life well spent and of many virtuous actions. All these our friend enjoyed, and in their mellow sunshine he sat and waited as the evening-tide drew on, and ere it faded he had joined the mighty men whose name he bore, and in whose footsteps his own feet had trod.

And who shall write his epitaph? God gave him length of days and many blessings, and high honors and great service among men, and now the larger and the nobler life above.